

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOLLY BAKER,

Plaintiff,

v.

Case No. 1:19-cv-124
JUDGE DOUGLAS R. COLE
Magistrate Judge Litkovitz

UNITED STATES ATTORNEY,
et al.,

Defendants.

ORDER

This cause comes before the Court on the Magistrate Judge's March 31, 2020 Report and Recommendation ("R&R") (Doc. 27) that this Court dismiss the Defendants, retitle the action in the name of the agency head, Andrew Saul, Commissioner of Social Security, and grant Commissioner Saul's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) (Doc. 13). (*See* R&R at #119¹).

The R&R advised Baker that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See id.* at #120). *See also Thomas v. Arn*, 474 U.S. 140, 149–53 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting "failure to file an objection to the magistrate judge's R&R ... is forfeiture, not waiver")

¹ Refers to PageID Number.

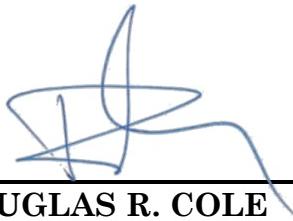
(emphasis original); 28 U.S.C. § 636(b)(1)(C). The time for filing objections has passed and none have been filed.

Therefore, the Court **ADOPTS** the Report and Recommendation, **DISMISSES** the Complaint, and **DIRECTS** the Clerk to enter judgment accordingly.

SO ORDERED.

June 19, 2020

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE